
Appeal Decision

Site visit made on 26 January 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2021

Appeal Ref: APP/W3005/W/20/3262632

**14 Blenheim Place, Huthwaite, Sutton-in-Ashfield, Nottinghamshire
NG17 2RD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Whitman against the decision of Ashfield District Council.
 - The application Ref V/2020/0327, dated 13 December 2019, was refused by notice dated 08 September 2020.
 - The development proposed is described as: We are planning to develop a cattery to the rear of our residential house on our back garden. Change of use from C3 to mixed use, C3 and Cattery.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note the alteration to the description of proposed development used on the Council's Decision Notice which the appellant has reproduced on the appeal form. The altered description does not change the development that is proposed, and as I have not been provided with evidence that the change was agreed between the parties, I have retained the description given on the application form.
3. The appellant has submitted some photographs of the surrounding area and references to other cattery developments, information that did not form part of the planning application. I consider no one would be prejudiced if I were to accept these documents at this stage. I have therefore taken account of them in reaching my decision.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to the extent of visitors to the property, noise and disturbance and odour.

Reasons

5. The site currently comprises a detached dwelling with gardens to the front and rear with a driveway which can currently accommodate the parking of one car. When I visited the site there were cars parked at, and towards, the head of the

cul-de-sac, including in front of the front garden area of the appeal site, with at least one car parked partially on the pavement. The site is in a quiet residential area. The cul-de-sac consists of around 15 two-storey detached dwellings. There is a small gap between the appeal site and the boundary of the immediate neighbouring property to the east, which comprises a footpath that leads to a relatively small public outdoor space at the rear of the appeal site.

6. The proposal would consist of what in my opinion would be a relatively large number of cat pens, ie 15, which between them could accommodate what I consider to be a relatively large number of cats, ie around 38, in a domestic rear garden in a quiet residential area where the properties are in close proximity to each other.
7. The proposal would generate well above what I consider would be the typical extent of visitors to the residential property. In addition to the occupants and their non-commercial visitors, there would be additional staff, the owners of up to around 38 cats at any one time, regular visits from a waste disposal company, along with other associated comings and goings such as to collect food and veterinary visits if required. Such visits would occur over 7 days each week.
8. I acknowledge that the appellant proposes to create a second parking space within the site for visitors to use. However, even with 2 on-site parking spaces and, as suggested by the appellant, the timing of visitors being staggered, given that there would also be staff in addition to the householders employed at the site, it is highly likely that at times visitors would have to park along the cul-de-sac and there is the strong possibility of more than one visiting vehicle arriving and/or departing simultaneously. Regardless of whether several visitors arrived around the same time or they were staggered throughout the day, I consider the extent of increase of visitors to the site would be far more than occupiers of neighbouring properties could reasonably be expected to tolerate. Additionally, the extent and frequency of visitors to the site would potentially disrupt vehicle use of occupiers of neighbouring properties.
9. Consequently, I therefore conclude that the proposal would result in an unacceptable level of disturbance to occupiers of existing properties due to the extensive increase in visitors to the property, 7 days per week.
10. I acknowledge that the cat pens would face into the site and that the appellant proposes to have a policy requiring cats using the service to be neutered or spayed, to eliminate the possibility of cats in the facility calling. Other than calling, I understand that cats generally only make a noise either just before feeding or if they are threatened.
11. Although the cat pens would face into the site, I consider that if noise is created, ie cats meowing, this arrangement would not stop such noise emanating to immediate neighbouring properties. I appreciate the appellant's intention regarding having a policy requiring cats using the facility to have been neutered or spayed. However, I do not consider this could be guaranteed or that a condition could be attached, should permission be granted, that would satisfy the conditions tests outlined in the Planning Practice Guidance (PPG). Additionally, there would still be noise at feeding times, from a potentially large number of cats, and should there be cats or other animals visiting the site the cats using the facility could feel threatened and create noise.

12. Consequently, I conclude that the proposal would result in an unacceptable level of noise disturbance to occupiers of existing neighbouring properties due to the extent and level of noise resulting from the cats using the facility.
13. I acknowledge the appellant's intension to carry out 'housekeepng' of the pens from 07:00 to 21:00 on a daily basis, to disinfect litter trays on a daily basis, to store on-site waste within a sealed container, and their intension to use a high quality grade litter that limits odours. However, except for storing waste in a sealed container, again, such arrangements cannot be guaranteed or secured by conditions, should permission be granted, that would satisfy the conditions tests outlined in the PPG. I therefore conclude that the proposal could result in generating unacceptable odours experienced by occupiers of existing neighbouring properties.
14. Considering the above, I conclude that the proposal would significantly harm the living conditions of occupiers of existing neighbouring properties, due to noise and disturbance resulting from the extent of visitors to the property and created by the cats using the facility, and odour from the site. The proposal therefore does not accord with saved Policy ST1 of the Ashfield Local Plan Review (2002) or sub paragraph 127 (f) of the National Planning Policy Framework, which collectively, and among other things, require development not adversely affect the living conditions of occupiers of existing neighbouring properties.

Other Considerations

15. The appellant has drawn my attention to 4 other catteries considered to be similar to the proposal as they are close to residential properties. However, I do not know the full details of these cases and cannot be certain of the extent to which they are comparable with the proposal before me. In any event, each case must be considered on its own merits.

Conclusion

16. For the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR